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422 own tamga, in practice their use was largely restricted to the wealthy owners of large herds. A poor man with a few animals would know all of them by sight and have no need for a tamga, while the rich man with thousands of cattle and sheep grazing over an extensive territory required a mark of identification for them. Radlov[40] remarks that among the Altaians tamgas were used mostly by the rich since the poor readily recognized their comparatively few horses. In this connection it is possible, though I have no evidence to support it, that group tamgas may have acquired an individual significance. As wealth in cattle tended to be concentrated in the hands of a few individuals who stood in the position of patrons and protectors to large numbers of their poor kinsmen, group tamgas which formerly had marked the animals of all members of the uru, without necessarily implying that they were collectively owned, would more and more be found marking the cattle of its most affluent individual. Thus a group tamga might become identified with a personal tamga of its most important and influential man.

423 The question of the ownership of the summer grazing lands is a difficult one in practice, though not particularly so in theory. Theoretically there was no permanent ownership of the steppe pastures; the utilization of them was based on occupancy and the right of the first comer, but the details by which such right of utilization was determined are hard to discover. In general it may be said that such lands were apportioned more or less by tradition among the various uru groups within the limits of which any members of the group were free to move as they wished.[41] There appear, however, to have been no very clearly defined boundaries and the area occupied by any given uru group was liable to constant shifting. Asfendiarov[42] writes that " . . . actually the boundaries of the Kazak gentes were not delimited." My information on this question is not very satisfactory because concrete material was difficult to obtain. On first raising the question it appeared, as stated above, that each uru group had its own collectively owned territory, the boundaries of which were determined by agreement between the important members of the interested groups. Within these groups the use of the land was allotted to particular families by the aqsaqal. When, however, I sought more specific information on the procedure and bases by which boundaries were determined and lands allotted, difficulties were encountered. Kargabaiev said it was all done by "old custom," while Tlenshiev, after trying to produce examples, reversed his position and said that the summer pasture lands were completely open, unrestricted, and could be used by anyone of any group who chose to do so. This result emerged from a discussion of what would happen if members of one uru were found grazing their cattle on the land of another. According to Tlenshiev nothing would happen; if they arrived first they were entitled to the use of the land; it was not the pasture land but the

[40] *Aus Sibirien*, 1: 279.

[41] Baronov, Bukeikhan and Rudenko, *Kazaki*, 9; Dingelstedt, *Le Droit coutumier*, 213, 214; Radlov, *Aus Sibirien*, 1: 414–15, 418; Schomberg, *Peaks and Plains*, 98; Rudenko, *Ocherk Byta . . . Kazakov*, 10; Kuftin, *Kirgiz-Kazaki*, 24; Czaplicka, *Turks of Central Asia*, 43.

[42] *Istoriia Kazakstana*, 100.

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meadow lands where hay was raised which were restricted. This position he maintained vigorously thereafter. 423

Some light on this difficulty is afforded by the statement:[45]

> Pasture land usually is apportioned among tribal groups but at the present time when the Kazak have not so many cattle they are not very strict about boundaries. A Kazak may go anywhere he wishes . . . . The meadow land, on the other hand, is allotted carefully and remains the inalienable property of the given person.

Most writers, however, indicate that the pasture lands of the uru groups were definitely delimited. Grodekov says that the lands were divided among the various nomadic groups according to the number of their animals but that there were frequent quarrels concerning boundaries.[46] Radlov[47] says that there was a definite division of lands among the "tribes" and that none would permit the trespass of another group in its own territory. Kuftin declares:[48]

> In view of the strict allotment of summer pastures no Kazak considers stopping in a strange place for more than one day. During the migrations each tribe follows a certain route, according to an established habitual law based on prescriptive right. Each summer range is used only by a definite group . . . . Disputable questions are settled by a meeting of representatives of the interested parties. [221]

The degree to which the pastoral area occupied by a particular group was definitely subdivided and assigned among its members is also not clear. Rudenko says[49] that although the land belonged to the "tribal group" and the member of it who came first had the right to the best place, families tended to go to the traditional places and others avoided them. This is even more strongly pointed out by Grodekov in observing that places customarily occupied by a family or group of families came to be considered as theirs by right.[50] On the other hand Radlov[51] says that he knows of no instances of divisions of the summer area among individual families. The apportionment of grazing land among the members of the uru lay in the hands of its leaders and was not always done with fairness. Everyone was free to move about at will within the area of the group. However, Radlov adds significantly, "Natürlich ist diese Freiheit nur in der Theorie eine vollkommene. Der Reiche und Angesehene weiss es natürlich so einzurichten, dass er den besten Platz erhält."

All the evidence concerning the basis of occupancy of the grazing lands is admittedly unsatisfactory. To obtain details it would be necessary to study the question over a considerable period of time in a culture in which the nomadic life was still actively pursued.

[45] Baronov, Bukeikhan, and Rudenko, *Kazaki*, 9.
[46] Dingelstedt, *Le Droit coutumier*, 213.
[47] *Aus Sibirien*, 1: 414–15.
[48] *Kirgiz-Kazaki*, 24.
[49] *Ocherk Byta . . . Kazakov*, 10.
[50] Dingelstedt, *Le Droit coutumier*, 214.
[51] *Aus Sibirien*, 1: 417–18.

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423 Allowance must also be made for considerable variation over so large an area and among such large numbers of groups. It must be taken into consideration too that the average informant has very little idea of the functioning of his culture beyond his own immediate milieu; the procedure, for example, by which the larger units came into occupancy of their grazing areas would be matters of high politics far removed from the knowledge of the ordinary man. In general one may say that there was no private property in grazing lands, that the larger groupings occupied the traditional areas which had been used by their ancestors before, that conflicts between such groups were settled usually by consultation and that within the boundaries of such areas family groups moved with considerable freedom subject to some pressure from local leaders and with a tendency to occupy the same spot year after year.[80]

The winter habitations, the meadows (kol) where hay was cut, and the agricultural lands may be considered as in effect private property. Grodekov says[81] that land was not considered as the property of particular individuals but belonged to them only while they were occupying and using it. Dingelstedt[82] theorizes upon this point in saying that although they did not recognize private property in land they conceded the usufruct of it in perpetuity to that individual who had improved it by constructing a house or developing an agricultural plot or irrigation system. It is doubtful, however, if the Kazak were concerned with such delicate legal distinctions. In practice one might sell one's winter dwelling, and on the death of the owner it was inherited by his youngest son.[83] One might even, according to my information, sell such property to a member of another uru.

The status of the meadow lands for raising hay is less definite, as might be expected, as a result of the recent growth of the custom of storing up winter fodder. The *Kazaki*[84] states definitely that they were the property of individual owners. My informants were less clear on the point, declaring at various times in relation to different incidents that they belonged to an entire uru, to the rich men in the uru, and finally that in theory they belonged to the uru but were for all practical purposes divided among its wealthiest and most [685] important members. Their private ownership is made clear by the fact that it was a serious act, involving the payment of damages, for any unauthorized person to take hay from land not his own. Also, in the case of a large meadow divided among several owners the portions belonging to each were delimited by shallow trenches or by piles of stones at the corners. [246] It was a matter of common knowledge who owned each section. The hay was cut and stored for the winter by the hired laborers of the owner or by his relatives working for him. A man who owned no hay fields of his own might turn his animals out to graze for

[80] Questions of the occupancy and utilization of the land during the period of Russian domination have been discussed by Páloši, *Question de la terre*, 472–87.

[81] *Kirgizy i Kara-kirgizy*, 102.

[82] *Le Droit coutumier*, 213–14.

[83] See also Radlov, *Aus Sibirien*, 1: 416.

[84] Baronov, Bukeikhan and Rudenko, *Kazaki*, 9.

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themselves during the winter, or if he had sufficient means, purchase hay or rent land on which to raise it. The related hangers-on of a wealthy man who had helped harvest his hay had the privilege of gleaning what was left after the first cutting and sometimes of cutting hay in the poorer parts of the meadow.

Agricultural lands were not extensive and were the private property of individuals. To some extent they belonged to affluent persons and were worked by their laborers and henchmen. More generally, however, they were subsistence plots cultivated by poor families who had no cattle. It is difficult to get specific information on how such an impoverished family might obtain the land in the first place on which to start operations. As far as I could learn it was merely a question of settling down and cultivating. No one seems to have had any objection to the launching of such an enterprise but all looked upon its practitioners with disdain as people who had lost all social standing.[85]

In reference to all forms of strictly individual property in land it seems likely that we are dealing with comparatively recent innovations in Kazak culture resulting from the influence of the sedentary populations in the Central Asian khanates to the south and in Russian territory to the north. The tendency to personal ownership in land appears simultaneously and in connection with the increase of permanent winter habitations, the storing of fodder for the winter, the introduction of agriculture, and the emphasis on sheep and cattle raising as opposed to horse culture.[85a]

INHERITANCE

The system of inheritance of property among the Kazak was simple in principle although its details in any given case might become highly complex. Properly speaking only the youngest son inherited, the others normally being provided for during the lifetime of the father. When a son married or came of age he was given a share (enci) of his father's animals and established his own household. The age at which this occurred varied with the wealth and social position of the father, being earlier among the rich. In any event it did not normally take place before the son was fifteen years old.[86] Before this time the son had no property of his own, but afterward the father had no control over that which had been allotted to him.[87] The division among all the sons except the youngest was occasionally made at one time, before witnesses, rather than as each son came of age. Such divisions frequently presented difficulties which might be arbitrated by the leaders of the group to decide the minimum share to which each son was entitled. Beyond this minimum the father might assign the property as he saw fit,[88] although according to my information it was customary

[85] Compare Dingelstedt, *Le Droit coutumier*, 213–14.

[85a] The historical and geographical factors influencing the development of land tenure among the Kazak have recently been discussed by E. E. Bacon in a paper read before the American Anthropological Association in New Haven, December, 1937.

[86] Grodekov, *Kirgizy i Karakirgizy*, 43.

[87] *Idem*, 34.

[88] Dingelstedt, *Le Droit coutumier*, 253–54.

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595 Rubruck mentions[46] that if a man had more wives than one she with whom he slept the night before sat by his side the day following.

583 A wife was acquired, in most cases at least, after payment of a bride price.[47] Rashid-ad-Din and the "Secret History" do not mention the transaction. They do, however, indicate that the bride brought with her to her husband a dowry varying with the position of the family to which she belonged.[48] The dowry sometimes included servants or slaves. Polo[49] on the other hand specifically states that the bride brought nothing to her husband.

562 The position of women in Mongol culture, at least among the ruling class, was very high.[50] They not only played an active role in economic life[51] but also had an important part in social life. Emperors and princes frequently took advice from their wives.[52] During the absence of their husbands women sometimes administered their affairs. Carpini says[53] that " . . . it is a custom among the Tartars that the courts of princes or noble men are not dissolved but always some women are appointed to keep or govern them, upon whom certain gifts are bestowed in like sort as they are given unto their lords." Women accompanied warriors on the march. In the Yasa of Chingis he orders " . . . the women who accompany the troops to do the work and duties of men while the latter are absent fighting."[54]

587 At the death of her husband a widow might be taken over by his brother or by a son of her husband not her own.[55] Polo indicates, however, that it was only the eldest son who had the privilege of marrying his stepmothers. The custom may have been more the exception than the rule because Carpini observes[56] " . . . after the death of their husbands the Tartar wives use very seldom to marry again, unless perhaps some man take his brother's wife or stepmother in marriage."

PROPERTY

423 614 The problem of the definition of boundaries and the ownership of pastoral lands in the eleventh and twelfth centuries cannot be completely clarified. It is apparent from the remarks of travelers that a century later each group migrated within a particular territory

[46] *The Texts and Versions*, 189.

[47] Vladimirtsov, *Obshchestvennyĭ Stroĭ*, 56; Yule, *Book of Ser Marco Polo*, 1: 253; d'Ohsson, *Histoire des Mongols*, 1: 14.

[48] *Sokrovennoe Skazanie*, 30, 118–19; Rashid-ad-Din, *Sbornik Letopisei*, 2: 80.

[49] *Book of Ser Marco Polo*, 1: 253.

[50] Kots'min (*K Voprosy o Turetsko-mongol'skom Feodalizme*, 54, 76) is of the opinion that though the women of the aristocracy were important politically, the ordinary woman led a wretched and servile life.

[51] *The Texts and Versions*, 196–97.

[52] *Sokrovennoe Skazanie*, 59; d'Ohsson, *Histoire des Mongols*, 2: 247, 355.

[53] *The Texts and Versions*, 134.

[54] Riazanovskii, *Customary Law of the Mongol Tribes*, 58.

[55] *Sokrovennoe Skazanie*, 25; *The Texts and Versions*, 111–12; Yule, *Book of Ser Marco Polo*, 1: 252–53; Bartold, *Turkestan*, 390; Vladimirtsov, *Obshchestvennyĭ Stroĭ*, 47.

[56] *The Texts and Versions*, 111–12.

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under the control of its leaders who determined the camping places and the routes. "Every of their captains according to the great or small number of his people knows the bounds of his pastures and where he ought to feed his cattle spring and summer, winter and autumn."[37]

Such was probably also the case at an earlier date although the evidence is indirect and somewhat confusing.[38] The territory on which any social group habitually migrated was known as nuntux in Mongol and yurt in Turkish. These words meant "district, encampment or place of abode."[39] There are references to particular places or regions being traditionaly occupied by certain specific groups:[40] "Their dwellings and yurts were designated individually by tribes and by branches . . . ." And again:[41] "Among this tribe the yurt and their places were united together and it was determined from where to where was the yurt of each."

However, there are frequent instances of several groups migrating together in one territory.[42] In one place in the "Secret History"[43] Chingis remarks to one of his relatives: "In former times you, along with three houses of Tokhuraut, five houses of the Tarkhut and two other gentes, the Chanshikit and Bayaut, formed with me a single camp."

Vladimirtsov[44] writes: "The ancient Mongol gens knew a communality of pastoral territories." But it is not clear, either from the evidence or his discussion whether this means a communal ownership of a particular area by the members of the gens or whether it implies that all pastoral lands were open to all the members of any gens who chose to use them. This is the same problem which has been discussed in relation to Kazak grazing grounds. In general it seems probable that there was a fairly clear concept of the nuntux or yurt as a territory belonging to a particular gens. To this principle however there appear to have been many exceptions.

All movable property, cattle, kibitkas, vehicles, and the products of home industry were held in individual ownership by the members of the gens.[45] There is vague mention of marking cattle with tamgas which apparently were the same for all members of the gens.[46] Marco Polo, however, indicates that each individual might have his private tamga.[47]

On the death of the head of a household his property was inherited by his youngest son.

[37] *The Texts and Versions*, 188.
[38] Vladimirtsov, *Obshchestvennyĭ Stroĭ*, 42–43; 56–58.
[39] Translation from the Mongol text of the "Secret History," Vladimirtsov, *op. cit.*, 57.
[40] Rashid-ad-Din, *Sbornik Letopisei*, 1: 49.
[41] *Idem*, 1: 135.
[42] Vladimirtsov, *op. cit.*, 57.
[43] *Sokrovennoe Skazanie*, 120.
[44] *Obshchestvennyĭ Stroĭ*, 56.
[45] *Sokrovennoe Skazanie*, 44–49.
[46] Rashid-ad-Din, *Sbornik Letopisei*, 1: 76; *Sokrovennoe Skazanie*, 44–45; d'Ohsson, *Histoire des Mongols*, 1: 23.
[47] Yule, *Book of Ser Marco Polo*, 1: 266.

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view of the nomads the empire was the property of the whole family of the khan. Valdimirtsov writes:[148]

> . . . The "state" belonged to all the members of the gens of the particular individual who had established the dominion and become khan . . . all the tribes and peoples forming part of the empire of Chingis were considered as bond vassals (unaĝan boĝol) of him and his gens. . . . The power of the gens of Chingis . . . over his "state" lay in this: that one of its members had become emperor . . . through his election by the council (xurultai) of all his relatives.[149]

As the authority of a khan became extended over a wider and wider area and over more and more tribes and gentes it became impossible for the vassal groups to lead a common joint nomadic life with the members of the ruling gens, as had formerly been the case. Gradually it developed that the new large vassal units were left to migrate and graze their cattle in their accustomed territories but were placed under the governance of a member of the paramount gens, a relative of the khan.

Every group of gentes, tribes, or fragments of different gentes, which was under the control of a particular leader or ruler was known as an ulus.[150] Thus during the period of Chingis' reign all the peoples subject to him might be considered as comprising one ulus while at the same time each of his relatives was master or lord of an ulus.[151] Valdimirtsov[152] translates ulus as "fief" or "dominions" with the notation that it must be understood as referring to people and not to land.

The male relatives of the khan were considered princes,[153] having the right to participate in the division of the ulus of the khan. To each of them was granted his own ulus or fief consisting of a number of subject tribes, the princes themselves thus becoming in a sense vassals of the khan insofar as he was considered head of the paramount gens. On their death their heirs, sons, nephews or other close relatives were confirmed in their position by the khan[154] and made acknowledgment of their dependence on him.[155] If the khan were sufficiently powerful he might deprive an unreliable vassal of his fief and award it to another.[156]

Here there is evident some contradiction between the concept of the khan as the representative of the ruling gens as a whole and as an absolute monarch. This disparity is apparent also in the fact that although according to the will of Chingis the khan might not

[148] *Op. cit.*, 98–99.
[149] See also Elias and Ross, *Tarikh-i-Rashidi*, 29.
[150] Vladimirtsov, *Obshchestvennyi Stroi*, 91.
[151] Abul Ghazi, *Shajrat ul Atrak*, 45, 383.
[152] *Op. cit.*, 97.
[153] Köbegün, meaning essentially "son" (Vladimirtsov, *op. cit.*, 99).
[154] d'Ohsson, *Histoire des Mongols*, 2: 204.
[155] Berezin, *Ocherk Vnutrennego Ustroistva*, 424; d'Ohsson, *op. cit.*, 2: 10–11.
[156] *Solyovennoe Skazanie*, 136; *Sbornik Letopisei*, 2: 61–62.

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on his own initiative punish one of his relatives,[157] yet it is stated in the Great Yasa[158] that: "He ordains that even the senior of the emirs, if he has committed some offense shall give himself up to the messenger sent by the sovereign to punish him. . . ." Riazanovskii however is quoting the fragment of the Yasa from Maqrizi's version[159] which may have been altered somewhat to accord with the latter's idea of the proper attributes of a sovereign.

In any case such centralization of authority did not continue for long. The number of fiefs was constantly increased by the practice of dividing up the ulus of a particular vassal among his descendants, so that the number of princes, vassals and sub-vassals was soon very large.[160] The constant tendency toward branching and subdivision became evident in the ruling gens itself which split up after the death of Chingis into rival and hostile families.[161]

In the process of feudalization it is not clear what was the fate of the minor aristocrats, the leaders and chiefs of groups other than that of the dominant khan. Kozʻmin[162] states that the aristocracy of the Mongol empire consisted of the aristocrats of all the peoples and tribes of which it was composed. Some families were no doubt annihilated in the wars leading to unification. It seems probable, however,[163] that most of them allied themselves with the rising power and retained immediate control of their people as sub-vassals dependent on the princes of the major fiefs.

The unification of Central Asia under the feudal empire made safe the trade routes and greatly stimulated commerce between the nomads and the settled regions. A variety of products which formerly had been unknown to the Mongols now became available to them.[164] The increase of trade and the appearance of foreign goods did not however greatly alter the pastoral economy. Cattle breeding continued to be the chief occupation of the people but there is evidence that under the feudal régime the use and occupation of pasture land became strictly regulated. The fiefs had definite boundaries and within them the grazing lands of each group were strictly allotted. Carpini observes:[165]

Moreover the emperor of the Tartars hath a wonderful dominion over all his subjects. For no man dare abide in any place unless he hath assigned him to be there. Also he appointeth to his dukes where they shall inhabit. Likewise the dukes assign places unto every millenarie or conductor of a

[157] Vladimirtsov, *Obshchestvennyĭ Stroĭ*, 100.

[158] Riazanovskii, *Customary Law of the Mongol Tribes*, 59.

[159] See Silvestre de Sacy, *Chrestomathie arabe*, 2: 160–64.

[160] *Sbornik Letopisei*, 2: 60–63; Berezin, *Ocherk Vnutrennego Ustroĭstva*, 426; d'Ohsson, *Histoire des Mongols*, 2: 7.

[161] Courant, *L'Asie centrale*, 35–36.

[162] *K Voprosy o Turetsko-mongol'skom Feodalizme*, 60.

[163] Vladimirtsov, *Obshchestvennyĭ Stroĭ*, 103–04.

[164] Bartold, *Turkestan*, 394; Vladimirtsov, op. cit., 44, 129–30; Asfendiarov, *Istoriia Kazakhstana*, 63–64; *The Texts and Versions*, 194.

[165] *The Texts and Versions*, 120.

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thousand soldiers and the millenaries unto each captain of a hundred, the captains unto each corporal of ten.

Further there is some indication that the feudal lords were considered the personal owners and proprietors of the land occupied by their people, which formerly had been the property of the community as a whole.[166] Thus Rashid[167] describes Tuli, one of Chingis' sons, as "lord of the land (yurt) and dwellings" of certain tribes. Too many inferences, however, should not be made from this statement. Rashid was probably not making delicate distinctions, his own information may have been at fault, and his meaning may have suffered during successive translations. In any case, whether or not the feudal lord was considered owner of the land of his ulus he certainly administered its use and controlled the movements of his people rigidly.

The horses and cattle remained the private property of their individual owners, both lords and commoners. Chingis declared[168] that, "A common man if addicted to wine stands to lose his horse, his cattle and all his property." But inasmuch as the ordinary Mongol was obliged to migrate in obedience to the wishes of his lord, and to graze his cattle in places assigned to him, his position in many ways was more that of a dependent herdsman than an independent master.[169] In addition every family of the common people had certain definite obligations to their seigneurs.

These obligations in their economic aspects consisted chiefly in providing the feudal lords with cattle for slaughtering and a certain number of mares for milking in proportion to the size of the owner's herds.[170] Similar requisitions had been made by the tribal chiefs previous to the organization of the empire but appear to have been of a somewhat haphazard and occasional nature.[171] Under Ogodai, the successor of Chingis, these were systematized and regulated.[172]

The organization of the economic administration of the conquered settled regions was more complicated. After the rise of the empire the Mongol khans began to assign fiefs among the agricultural populations to their princes but the land served them only as a source of revenue because the Mongols themselves were not able to administer such estates.[173] Local authority remained to some extent in the hands of the native rulers, while the Mongol overlords maintained personal agents whose principal duty was to collect

[166] Kos'min, *K Voprosy o Tsvetsko-mongol'skom Feodalizme*, 12–20, 52–54.
[167] *Sbornik Letopisei*, 3: 243.
[168] *Idem*, 3: 126.
[169] The Mongol author Ssanang Ssetsen, writing in the middle of the seventeenth century, indicates that the idea of a man without his overlord was inconceivable to the Mongols. See Ssanang Ssetsen, *Geschichte der Ost-Mongolen*, 187.
[170] Vladimirtsov, *Obshchestvennyi Stroi*, 113–14.
[171] *Sokrovennoe Skazanie*, 76.
[172] d'Ohsson, *Histoire des Mongols*, 2: 14, 63; *Sokrovennoe Skazanie*, 158.
[173] Vladimirtsov, *op. cit.*, 114–15.

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642 423 565 [212] taxes for their masters.[174] The Uighurs played an important part as agents, business managers, and advisers to the Mongol princes; they were responsible for the introduction of writing to the court of the khans,[175] and came to be a dominant force in all civil and cultural affairs of the empire.[176]

MILITARY ORGANIZATION

701 565 642 Of utmost importance in its far reaching effects upon the social structure of all the groups comprising the Mongol empire was the system of military organization instituted by Chingis. At an early point in his conquests (1204) the entire population was divided into a graduated series of units capable of furnishing ten thousand, a thousand, a hundred, or ten fighting men respectively.[177] These contingents replaced the former militia of the gentes and tribes.

Considered solely as a system of military organization these decimal units were nothing new. Similar divisions had existed in time of war among other Central Asiatic nomadic peoples[178] and in the Persian armies.[179] Cordier, in a note to Yule's commentary,[180] refers to them as existing in Annam in the tenth century A.D. The new features lay in their establishment as a permanent system and in the merging of the civil units, the feudal fiefs, with the military divisions.

Thus each feudal fief (ulus) according to its size coincided with one of the military groupings, and the feudal lords were at the same time commanders of a thousand or a hundred warriors, although certainly in any particular case these numbers were only approximate.

Here we may note how the previously existing institution of the nökód[1] was utilized to strengthen the new military feudal system. Although the great fiefs capable of furnishing a division of ten thousand men (tümen) were usually held by the princes of the house of Chingis, their subdivisions were in many cases apportioned among the former nökód, thus substituting for the independent leaders of the old gentes and tribes new feudal lords bound to the khan in direct personal allegiance with obligations of military service.[181] Such feudals, forming a nobility secondary to the princes (köbegün) of the reigning house, customarily ruled over fiefs capable of supplying a hundred or a thousand warriors. Each bore the title of noyan which formerly had been held by the chiefs of the gens aristocracies but was now applied to a secondary feudal lord and military commander. And in distinction to the old

[174] Vernadsky, *Notes on the History of the Uighurs*, 477.

[175] Bartold, *Turkestan*, 387.

[176] Vladimirtsov, *Life of Chingis Khan*, 152; Fox, *Chenghis Khan*, 124.

[177] *Sokrovennoe Skazanie*, 102–03; *Texts and Versions*, 124; Riazanovskii, *Customary Law of the Mongol Tribes*, 59, 69; Yule, *Book of Ser Marco Polo*, 1: 264; Vladimirtsov, *Obshchestvennyi Stroi*, 102; Kos'min, *K Voprosy o Turetsko-mongol'skom Feodalizme*, 57.

[178] Vladimirtsov, *op. cit.*, 102.

[179] Yule, *Book of Ser Marco Polo*, 1: 264.

[180] *Loc. cit.*

[181] Vladimirtsov, *Obshchestvennyi Stroi*, 103–104.

1 ["comrades" personal suite and staff of khans, For further data, see cat. 701, pp. 91-92 -- Analyst]

The vagueness and imprecision of the borders of the volosts and 618 villages also adds to the importance of the clan origin. There are cases, quite often, in which Kazakhs belonging to one volost or one village occupy land for farming and winter camps in other volosts and villages. The organization of the land and the exact determination of the borders of the volosts and villages will have an enormous influence on the destruction of the clan principle. When every village has its own allotment of land then a transfer of tents will take place only for economic considerations and not to collect a majority of votes for one's kinsmen.

2) In the opinion of the chief of the Turkestan uyezd, the administrative division of the Kazakhs into villages and volosts has not by any means achieved its goal, and the clan principle is strongly maintained, as before. This is assisted, among other things, by the fact that the volosts were organized by clans or by branches, and all the transfers of Kazakhs from one volost to another were caused by a desire for clan unity.

3) The chief of the Kazalinsk (2) uyezd states that the division

2. On the transfer of the Kazakhs from volost to volost to their kinsmen, and on the force of the clan rulers in the steppe along with the volost administrators, see the article by E. A. Aleksandrov, assistant to the chief of the Kazalinsk uyezd: "Iz zhizni stepnykh uezdov Syr-Dar'inskoi oblasti" /From the life of the steppe uyezds of the Syr-Darya region/, in Turkestanskie Vedomosti, 1885, No. 17. In 1887 Mr. Aleksandrov writes: "Up to the present time a weakening of the clan principle has not been perceptible. In this respect the law of 1867 has not had the force of a destructive action."

into volosts and villages with elected functionaries, has suppressed to a considerable degree the striving of the kinsmen to play the leading role or to influence the administration by the people. /16/ A land demarcation of the volosts would have had a still greater influence on the suppression of the clan principle. Even now Kazakhs of one clan [423] but in different volosts, even in those very far apart, for the most part nomadize together on lands which they consider to be of the clan. For this reason they often do not allow villages to use the land although the latter have a greater right to it because of their permanent residence in those places and their revival of irrigation canals.

551 semi-Kazakhs, the sedentary Kazakhs who have become Sartizized.

Incidentally, let us recall here the opinion, heard among Russians that among the Kazakhs there exists a prejudice against giving the name of the wife, when asked for it, as well as against
784 naming the exact number of heads of their livestock. The veracity of this is disputed by Khudaikul, who adds, however, that the sharp tone of the question and the persistent demand can cause evasiveness (kulyk). On this matter E. A. Aleksandrov reports from Kazalinsk: " Not only the rich but in general /Inserted page. Picture. Caption: Bii Sultan Kanaev of the Chimkent uyezd. Drawing by Akhmatov/1 /101/ the Kazakhs do not say the number of their livestock, for fear of attracting the wrath of the gods. It is not even acceptable to say the number of one's children, for the same reason. "

/102/CHAPTER VII.

The use of land and water. - Nomadizing. - Hospitality. - Common property. - Assistance.

423 Before the Russian dominion, land was not considered personal property. It belonged to a person only as long as he was on it, or
428 cultivated it. To this day in the northern uyezds land is not transferred by inheritance. The son who receives his allotment in the Auliye-Ata uyezd does not receive a share of the land, of which there still is much in the uyezd. The land remains to the unalloted sons. In the southern uyezds tilled land and land sectors of all sorts are transferred by inheritance.

423 In the Perovsk uyezd, summer camps, winter camps, the grounds appended to them etc., are more and more associated to certain communes and divided among them. The canals, with the land irrigated by them, belong to those who operate them and their heirs.

Among the Kirgiz only those sectors are sold on which there are trees and buildings. They abandon ploughed fields when they depart. These become the property of the person who occupies them.

Summer camps and winter camps are occupied by the Kazakhs by rights of hereditary use. The construction of canals, farm houses, buildings and gardens transforms the land into private property. Shares of lands do not exist. The winter camps are primarily in places where saxaul, shrubs or rushes grow. The summer camps are in cooler places, i. e., further north or in the mountains.

Land use, by this system, is not distributed equally and is found

1/2 [Not reproduced --AJ]

in the hands of prosperous persons, for whom the poor constitute workers. 423

The smaller the number of livestock, the more farming there is. 311 /103/ Since the time of famine in the year of the rabbit, (1) the

1. The famine of the winter of 1879-1880. For a description of this winter see Nos. 17 and 18 of the Turkestanskie Vedomosti, 1885, in the article by Aleksandrov: "Iz zhizni stepnykh uezdov Syr-Dar'inskoi Oblasti" /From life in the steppe uyezds of the Syr-Darya oblast/. [731]

The cycle of twelve years, by which the Turks determine age and time elapsed, consist of the following names: 1) chichkan, mouse, 2) siir, cow, 3) bars, tiger, 40 koyan, rabbit, 5) ulu, crocodile, 6) dzhilan, snake, 7) dzhilky, horse, 8) koy, ram 9) meshin, monkey, 10) tauk, hen, 11) it, dog, and 12) tonguz, pig. [805]

nomads, realizing the lack of stability of livestock raising on the principles accepted by them, have turned to the production of supplies of grass in winter, and to agriculture.

For the damage of a hayfield from cattle grazing, according to Torgai, they pay the householder damages only if he himself has not ceased to use that hayfield. 685

If a man who is inscribed in another uyezd wishes to engage in agriculture in a strange pasture or a strange summer camp, the community to whom the land belongs demands rent from him for its use, the amount of which depends on the conditions. The person in question is forbidden to plant trees and to build. But as soon as he is inscribed in that uyezd and volost where his tilled land is, the land becomes his property and he pays the usual tributes (chubauz) and dues. 427 423

Swampy places (tugai), overgrown with rushes, etc. are still not sold, since they are widespread. Nevertheless they are becoming more and more associated with the person who winters in them and has stores of hay, with which he frequently leaves people during the summer. Persons of outside communes are not admitted to these winter camps. In case of misunderstandings, these persons pay money for the fodder under foot - chubauz (Perovsk uyezd).

To put through a new canal, one or more workers, depending on the amount of work, come out from each tent of the group of ten, group of fifty, or of the village or in general that group of people 425 476 312

deepened them and repaired them. The latter must withdraw when the first proprietor presents witnesses or a personal oath. It goes to the later proprietor in the case where no one knows of the digging except the first person. If the second proprietors have planted trees or done building, the water belongs to the first owners and the trees and buildings to the second. The first owner can buy them off, and he can also demand their removal. 312 423 425

Where underground water is near the surface, everyone digs his own well (kuduk). In digging a deep well, to a depth of 5-6 sazhens (chingrau) /35-40 feet/, the nomads hire workers who know the business, for pay which is determined beforehand, and which remains the same without regard to the depth at which the water appears. At the same time they enter a condition that no wergeld will be demanded for workers who might be covered by sandy dirt caving in. 312 675

According to Umurbek and others, the proprietor of a well can refuse water to a stranger. 423

There were yarlyks of the khans on the right of the use of water, some of which survive to this day. The yarlyks do not mention land, but canals, winter camps and summer camps. The latter are mentioned without fail in one and the same yarlyk, for the Kazakhs cannot remain in one place the year round. If a winter camp which is owned by the yarlyk remains unoccupied by its proprietor, and during this time others settle on it, the proprietor receives it back; in any case even if they put buildings on it. The son of the previous owner can make the same demand, but never a strange man, whose right to the land was promised in some way by the previous owner. The newcomers give up the building, and remain on the neighboring land.

/106/ If a clan puts in a claim for land planted by another clan, without founding the claim on any documents, the biis settling this dispute must interrogate persons who are not implicated in the affair and also the elders from the people. If with all this no one knows whether the father or the grandfather of the plaintiff sowed this land, and even if it appears that they planted for two or three years, about 20-30 years previously, then in the case that the present proprietors have no documents, an oath is demanded of them. 423 695

If the fathers and grandfathers of the plaintiff did plant this land in earlier times, and then abandoned it and departed 20-30 years ago, and their children or descendants file a claim with no documents or proof except for traces of kurganchey or winter camps, established by them or their predecessors, then in case the opposite

423 695 side, i. e., the actual proprietors have no documents, these last are required to swear an oath on the quantity of the land in dispute.

If land is planted by two clans, and one of the clans makes a complaint against the other, and during the investigation it is ascertained that one side has a document, and the other does not, and also lacks khan, kazi or beg documents showing that the land is in common between the two clans, then the side which has documents can refuse the other the use of the land.

If both sides on the disputed land have documents they must be carefully examined by learned mullahs who must decide which side has authentic documents and which has fraudulent ones, or those not worthy of attention. Nevertheless, an oath concerning the quantity of the disputed land is required from the side presenting the authentic, weighty documents, in order to support the suit.

If a dispute arises between two clans using common land, on which both sides have buildings, mills and trees, and if one side has nominal documents from khans or begs, while the names of the other /107/ side are not noted in this document, the affair is decided in favor of those having documents. Meanwhile those without documents must be indemnified for the value of their buildings, and then dispossessed from the land.

If one of the disputing sides shows a document delivered by the other side during the peaceable use of the land by them, and the documents says that the side presenting it yields the other a certain locality, or a certain number of kosh (1) of land, or else that a

1. One kosh is a pair of oxen and the amount of land tilled by them.

certain locality belongs to it or a certain number of kosh of land, then the side in possession of such a document is required to take the land on the basis of the document. Their claim to a larger quantity of land and water than is mentioned in the document is ignored.

If it is impossible to settle a land dispute of two clans using common land on the basis of inquiries of persons not implicated in the case, or on the basis of documents, it must be found out which side constructed buildings on the disputed land first, and to give an oath to this side.

423 671 The law of 1867 did not touch upon the land organization of the natives at all. Now the code for the administration of the Turkestan area (the law of 12 June, 1886) establishes the land organi-

zation of the nomadic population in the following manner.

State lands, occupied by nomads, are left to the public use of the nomads without time limit, on the basis of customs and rules established in the code of 12 June, 1886.

The lands being used by the nomads are divided into winter camps, summer camps and cultivated land.

The winter camps are left to the /108/ public use of each volost separately, without time limit according to actual use and in accordance with the customs, and in case of disputes - according to the quantity of livestock owned and the extent of the economy.

Special assemblies are designated, with the permission of the Governor, among the volosts of the uyezd for the distribution of the winter camps and the examination of disputes caused by this distribution. When there are disputes between the volosts of different uyezds, the assemblies meet with the consent of the relevant authorities. The assemblies, under the chairmanship of a person specially appointed by the Governor, consist of three elected persons from each volost. The judgments of the assemblies are presented by the chief of the uyezd for the approval of the Governor and are entered in special books, which are preserved in the regional administration.

The distribution of the winter camps is made among the masters of the tents by village meetings. The number of livestock and the extent of the economy are taken as the basis for the distribution.

Each nomad has the right to build living quarters and farm buildings on the sector put at his disposal for the winter camp, and the community may not demand their removal. These buildings constitute the property of their owners. The land occupied by the buildings is transmitted by inheritance as long as the constructions exist. When the buildings are destroyed the land reverts to the community.

The summer camps are left to the public use of the volosts of the entire uyezd, and the actual use by them is determined by customs. The Kazakhs of the Syr-Darya oblast retain the right to cross over into neighboring steppe regions for summer nomadizing, but these are used with the permission of the Turkestan Governor-General, who enters into preliminary consultations with the steppe Governor-General concerning this.

After the mutual agreement of the communities on places suitable for both their winter and summer camps, special sectors are set aside for those wishing to engage in agriculture and growing hay. The distribution of land among the agriculturalists /109/ is left to a voluntary agreement among them according to custom.

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671 Buildings raised on the tilled lands of the nomads become their property, on the same bases which have been established for buildings on the winter camps.

Lands which lie under nomadic and livestock driving roads are left to the general use of the area. (1)

1. Articles 270-279 of the code for the administration of the Turkestan region.

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221 Nomadizing (kushpek) is one of the oldest forms of life, and is inherent to the herdsmen because of the fact that the many animals in their herds soon exhaust all the fodder under foot if they remain in one place.

The Kazakhs follow ancient custom in nomadizing even to the present time. They move about in communities of one clan, permitting only kinsmen in the female line or poor men, hiring themselves as workers, into their villages from other clans. Every clan has its precise places of summer (sdzhaylyau) and autumn (kuzdyau) nomadizing.

On the eve of their departure from the winter camp they have a feast. After the feast, two fires are lit between the pillars of the gates, or if there are no gates, between a construction built to resemble gates. An older woman, who stands between them, takes a vessel made of a gourd (kabak) and breaks it, saying: "All sorrows have flown away with the breaking of this vessel" (kabak syndy kaygy kitty). Then the same woman takes the camels, which are already loaded, and leads them out of the enclosure. At the same time men, [782] women and children jump across the fires, saying: away, away!. (alas, alas). They go about 5-6 versts from the winter camp, stop, set up their tents, slaughter horses and sheep and arrange a kudai, i. e., a sacrifice to a god. During the slaughtering of the animals, they say: "May we be as happy in /110/ a new place, as we were in the old" (iski dzhurtta isorke dzhanga dzhurtta dzharlyka).

They nomadize in groups (tap tap) of various numbers of tents. Setting out on the road is not determined by the authorities. The master of each tent is free to move or remain, as he wishes. The aksakals, or according to the Kirgiz Kurpetai Dauletkulov, rich men, give orders but do not insist. The same is true of the selection of places to stop and the grouping of the tents. In the summer they live

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233 disputants are the same age, the seniority of the clan or the lineage is taken into consideration.

[423] Among the Kirgiz, no one can occupy a summer camp where a certain clan has nomadized for a long time. It is possible to say: "I have no summer camp. Permit me to be your neighbor" (kongsylash). But nothing can be done in case of refusal, for what right can be had to a strange summer camp? (brauning yailauinda nese bar).

If one clan enters the pastures of another, representatives of the latter receive kurabashi from the former, i. e., one sheep from each herd. (1)

1. Kura - a herd up to 600 heads.

[416] If a village migrates to a locality near which another village is already camped, and the livestock of the former should worry or kill some animal belonging to the village which migrated to this locality first, the former group must pay the injured party for everything he has lost. But if the livestock of the village which arrived first worries or kills an animal belonging to a village which migrated there later, the latter receives no remuneration at all.

514 /112/ The ancient custom of the gratuitous giving of food (kunakasy beru) to a guest (1) and his horse, and a place to sleep is

1. Calling the guest "of God" (khuday kunak) is probably a transposition of the Sart proverb: "A guest is a gift of God" (mikhman atai khuda).

based 1) on community of property, for the Kazakhs call this kunakasy the unalotted property of Alasha (Alashtyng uleismegen inchisi), (2) and

2. Although according to the sense of this saying, non-Kazakhs do not have a right to kunakasy, they too are not refused.

2) on the fear that if the guest dies of hunger wergeld will be demanded for him.

Tradition attributes the establishment of kunakasy to the Kazakh clan founder Alasha. In his old age Alasha kept a part of his livestock for himself and divided the remainder of the livestock among his three sons, from whom the three hordes existing today are descended. He called the share of the property received by each of them inchi, i. e., the imprescriptible and inviolable property of each of them. "But," he added, "under the conditions of your nomadic life, because of your kinds of occupations, in

the owner of a camel, when he has rented it for money (kere) from an outsider, and it falls, for some reason or other than its load being too heavy. But he is responsible for a camel which was taken for use without pay. However, they rarely pay in full (tutas), for the bii takes into consideration the fact that the camel was given on the basis of acquaintanceship, and arranges an agreement for 1/2, 1/4 or one-eighth the value of the animal. The demand in court for the full value of the camel would be a manifest rupture of the conditions stated above. 489 672 685

If a driver loaded a greater weight on a camel than that permitted by the owner of the fallen animal, for example 648 lbs. instead of 576 lbs. (1) the value of the fallen camel is divided into as many

1. Every camel has a known lifting capacity. Some carry only up to 432 lbs., others up to 648 and even to 720 lbs. The average weight without straining is about 500 lbs.

parts as there were pounds in the load, and the driver is required to pay as many parts as there were extra pounds, in the given example, two parts.

The owner of a spring and a well can refuse to give a caravan a place for a halt and water, because of its inadequacy for his own needs, and for other reasons. It is impossible to complain about this in court. But if an owner with extra space does not allow a caravan to come in in winter during bitter cold, and people or livestock freeze as a result, customary law asks wergeld for the people and the payment of the value of the livestock. 489 [423]

Now drivers are not willingly permitted to stop near a village, for a loss may occur in the caravan for which the drivers will blame the nearest village. [672]

In case of a complaint in court concerning a loss taking place between two villages, the biis make an inspection of the place and /140/ measure the distance of each neighboring village from the place of the loss by means of a rope. Then the village is accused of the theft, which is shown to be closest (Tergai). According to other sources, the biis do not measure the distance but accuse the village which is considered less dependable. (Report of the chief of the Chimkent uyezd, the bii Sagyndykov and Sultan Kanaev and other persons of the Chimkent and Kurama uyezds).

There are no drivers among the Kirgiz, since the Auliye-Ata Kirgiz have few camels.

[283 cont.]

X 648 It was in 1790 that he began to give the strongest proofs of his hatred. But before describing them, we believe it our duty to recall certain regulations made by Empress Catherine for the good of the hordes during the period when the establishment of peace seemed possible there and even close at hand.

[431 423] On August 13, 1786, on the occasion of a demand for a concession of land made by Khudai Mendy, sultan of the Middle Horde, the border authorities were commanded not only to yield it to him as well as to his subjects, but also to give assistance in money as a pure gift to every family which wished to settle.

On July 15, 1788 it was permitted to give land to Kazaks who went into Russia without requiring any confirmation for this.

[871] On February 28, 1789 the staff of the Kazak schools on the Orenburg line were confirmed and the salaries of the teachers and the expense of feeding the students at the cost of the government were settled. It was further commanded that their fathers be given, as encouragement, certificates of praise, gifts, etc.

[442] On April 30, 1789 Baron Igelstrom received an order to compose a plan for a constitution for the Kazaks based on folk customs, habits, and oral laws.

X 648 668 Although Russia had already recognized the absolute necessity of re-establishing the position of khan in the Middle Horde, the khan had not yet been elected when Syrym broke every [284] kind of liaison with the governor of Orenburg and declared himself the foremost enemy of the Russians. Not satisfied with having aroused his compatriots and having attacked the inhabitants on the right bank of the Ural River, he sought help in Bukhara and sent agents into that land to this end in 1790. The Khan's atalyk replied that help would be sent, but after a certain time. Meanwhile he advised Syrym to continue his raids on the Russian border. One of the envoys who had received this reply in Bukhara was later taken prisoner by the Ural Cossacks and personally gave the most positive details about his embassy.

X 648 646 721 In the month of March, 1791 Syrym, hoping to induce the entire Little Horde to invade Russia, convoked a great national assembly at the mouth of the Emba and had letters distributed everywhere to arouse the nation. This undertaking was not fully

RQ2 Kazak RQ2 ●

Historical Turkestan RL2

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populations. -- The size and growth of the cities. -- The density and large numbers of people in the Russian and Kirghiz /Kazak/ settlements. -- The distribution of the population by sex, class, and religion. -- The ethnographic make-up of the population. -- General remarks on the "Sibiriaki," Belorussians, Little Russians /Ukrainians/, and other nationalities in the region. -- The Siberian Kazak /Cossacks/. -- The Ural Kazak /Cossacks/. -- The peasants. -- The Kirghiz /Kazak/.

H.T. 131

The Kirghiz krai occupies a total area of 1,606,687 versts, which is equal to one-third of all of European Russia (including Finland, Poland, and the Caucasus), or one-third of all of Western Europe, while the area of each of its oblasts is equal to the area of the principal states of Europe.

H.T. 631 423 648

Administratively, the Kirghiz krai comprises four military oblasts: the Akmolinsk, Semipalatinsk, Ural, and Turgai oblasts. These oblasts were established in 1868 from the lands of the Siberian and Orenburg Kirghiz /Kazak/ and the lands of the Siberian and Ural Kazak /Cossack/ armies for greater convenience in administering the Kirghiz /Kazak and the Kazak /Cossack/ armies, and at the same time great changes were made. The "Statute on the Siberian Kirghiz /Ustav o Sibirskikh Kirgizakh/," which had determined the life of this borderland until then, was abolished, and a new "Temporary Code for the Administration of the Steppe Oblasts /Vremennoe Polozhenie ob Upravlenii v Stepnykh Oblastiakh/" was introduced (now somewhat changed). By this code the Kirghiz /Kazak/ lands were recognized as state property and put at the disposal of the Kirghiz /Kazak/ only for communal use, while considerable changes were introduced in the administration. The power of the sultan was abolished, as well as the orders from the districts. The Kirghiz /Kazak/ were allowed an administration of their nationality (elected from

K H.T. 631 648

/214 cont./

567 who were the servants or the suite with which eminent sultans and entire rich clans surrounded themselves, constituted a special kind of voluntary slavery. These people considered themselves independent of their patrons, but their long residence with the latter gave the patrons cause to declare their rights over them,

[175] as over slaves. The misunderstandings with the Tiulengut and the hard position of the kul continued until 1859, when, on the proposal of the Governor General of Western Siberia, the sultans, biy, and elders of all the okrugs decided to free their slaves. From this time on the latter became free Kirghiz /Kazak/. According to the official figures, 400 persons were freed in the Akmolinsk and Semipalatinsk oblasts, but this number is far below the actual number of former slaves.

566 But if official slavery has disappeared among the Kirghiz /Kazak/, it continues to exist in fact in a no less onerous form of economic slavery -- bondedness. In many nomadic villages one may meet poor Kirghiz /Kazak/ -- dzhetak (lying down, i.e., without livestock /215/ for a nomadic life) -- who live in the position of a worker without hours or pay for rich Kirghiz /Kazak/. Their position is extremely hard. They do every kind of work for a piece of bread and pitiful old clothes. They have no hopes of somehow working it out and saving in order to begin an independent life, since the master always considers the dzhetak a

[184] debtor, although the debts are usually fictitious. This system is especially noticeable among the Irtysh Kirghiz /Kazak/. In every Kazak /Cossack/ settlement one can find dzhetak seeking shelter among the mud huts and stalls in the Kazak /Cossack/ yards and leading a pitiful life. For this the dzhetak usually does all the farm work for the Kazak /Cossack/ and often binds him-

[434] self and his family. In the best cases he receives five to ten rubles for the winter.

• 423 Economic inequality has long existed among the Kirghiz /Kazak/, being conditioned to a considerable degree by the abnormality of the forms of land ownership. The Kirghiz /Kazak/ own lands by the right of seizure established by customary law. /Illustration appears here./ A great inequality

/215 cont./

423 in the use of land exists because of this. Thus, one clan has a thousand dessiatine of land to a yurt, while another has a few score, a great deal if as high as a hundred dessiatine. The intensified colonization of the steppes has accentuated this abnormality. Finally the general path of development of the economic life of the Kirghiz /Kazak/ cannot help but promote it, namely, the appearance of agriculture, the transition in some places from a natural (livestock) economy to a monetary one, and in connection with this the disintegration of the patriarchal system. The contemporary nomadic village no longer represents families of equal rights. In each one it is possible to distinguish several well-to-do families on whom all the rest of the population of the village is economically dependent. This sort of situation (and the dzhetak system) is getting stronger every year, and especially in the years of "dzhuta" (hunger).

The former patriarchal relations have been retained (in part) in the customary law in the family.

At the fair in Uil. (From a photograph by A. N. Chagin.)

The court among the modern Kirghiz /Kazak/ consists of "biy" (elders in the clan who formerly inherited this duty in the clan from generation to generation). Now the biy is elected by 100-200 yurts (but he can only be a person no younger than 25, who has not been tried and punished). The court of the biy has jurisdiction over all cases concerning alien property and lawsuits in general up to 500 rubles (but not criminal cases). In addition, final judgments can be made on lawsuits involving sums no higher than 30 rubles. In cases above this norm the persons being judged can appeal to an assembly of volost biy (under the /216/ chairmanship of the uyezd chief, and now of the

221 grass for grazing, and they rarely stay any-
361 where longer than a month. Sometimes they stay
[423] only several days. Meanwhile, however, it should be noted that according to a custom adopted once and for all, auls are not allowed to use grass for grazing around strange winter
[578] camps. When this custom is not observed it leads to quarrels, sometimes to fights, and in the past it led to cattle rustling because the offended parties in such a case had difficulty in feeding their herds in winter and attempted to revenge themselves for the damage suffered.

[462] The actual order of changing camp is as follows: the chief concern in gathering, storing and loading of the tents and property falls upon the women. The head of the household only supervises the arrangements, and the other men round up the cattle, and form herds from them, each family separately. The departure is after dark, and when everything is ready, the whole caravan (kos in Kazakh) begins to move. The housewife goes first, usually on horseback, and the other women ride after her on camels or horses, carrying the property. At this time the Kazakhs usually put on their best clothes. They place their most precious and costly things (carpets, samovars, and so on) on the top, and in general the whole procession has a festive air. Since the cattle do not all move at the same pace, the herd soon begins to separate. As a result the aul sometimes spreads out over several versts. The head of the household is usually not with the moving aul; slow movement is boring to him and he rides somewhere to the side or hunts along the way. The march is usually not longer than 20 or 25 versts and then there is a halt and rest, which in summer is quite lengthy, up to three or four hours at